

SPEECH

OF

WM. L. DAYTON, OF N. JERSEY,

ON

THE MEXICAN WAR,

THE PLANS AND CONDUCT OF THE CAMPAIGN

Delivered in the Senate of the United States, Jan. 27 and 28, 1847.

The Bill to raise ten additional regiments of Regulars being under consideration—

Mr. DAYTON said:

That he had heard no good reason yet assigned, why this bill should, on the instant, become a law; and least of all could he understand upon what principle it was, that our political opponents were to be permitted to avail themselves of every amendment, as an occasion on which to justify the Administration, while we were expected to be silent.

It seems to me, (said Mr. D.,) that the occasion is one which makes the expression of opinion on this side of the Chamber, upon the bill itself, as well as upon the general subject with which it is connected, eminently proper. There is no exigency in our affairs which forbids consideration. At least 6,000 regulars are yet to be recruited under existing laws—a number greater than you have recruited during the past year with your utmost efforts. Not a man of these ten regiments, if the bill were passed to day, would reach Mexico before the close of this campaign. Upon what possible pretence, therefore, is it said, this bill should pass, and pass *now*? The feeling of this side of the Chamber was clearly indicated on the 13th of May last, when an exigency was supposed to exist. With an unanimity almost unparalleled, we voted the Executive 50,000 volunteers and ten millions of money in an hour! Ignorant of the object or plan of the Executive, we are now called upon to increase that grant by the addition of 10,000 regulars, to be employed we know not how. As an incident to this grant, we are to increase the patronage of the Executive by the addition of at least 600 military appointments, to be filled, if we may judge of the future from the past, we *do know how*. As a part of the same system, besides our usual revenue, we are to borrow at least 28 millions of money, to be had we know not where—to be expended we know not how. At the adjourn-

ment of this Congress, a few weeks hence, we will have invested in the hands of the Executive the control, for an indefinite time, of 77,000 troops, and an amount of money, *estimated by the Secretary*, as sufficient to carry the Government to the 30th of June, 1848—the close of the next financial year. We will have legislated away the entire powers of the next Congress at its first session; we will have placed this Executive above and beyond its reach. That Congress will be here on the first Monday in December next, fresh from the people, of a different political complexion, perhaps, from the present, in one of its branches, with new views and new feelings on this all absorbing question; and yet it will be powerless; we will have exhausted, in advance, all its effective powers of legislation. This, sir, is all asked, not of political friends only, but of political opponents, by the present Administration. Ay, sir, and it is asked with the significant intimation, that he who shall question, in this matter, the conduct of the Executive, will subject himself to the charge of moral treason—of giving “aid and comfort” to the enemy! Surely, sir, it required the full force of a face official, and not a face personal, to make such demand, accompanied with such an imputation! Such taunts are calculated to foster opposition to these Executive demands; but I will not permit myself to be driven by them from the support of those measures which it may seem to me the interests of the country demand. At the same time, sir, I wish it understood, that I, at least, have no such exuberance of patriotic fervor, as will induce me to make an useless haste; as will shut my mouth, while the President himself, and his friends on this floor, so constantly assume, that he was right in the inception, and is right in the conduct of this war.

The President, in his message, thought it necessary to make for himself a most labored and elaborate vindication. He has spread out, not exactly a catalogue of grievances suffered at the hands of Mexico, but he has spoken, in general terms, of “outrages,” of “depredations,” of “insults,” of “promises of redress,” “postponed or evaded,” by Mexico. The Senator from Michigan, (Mr. Cass,) availing himself of this very debate, told us, he supposed no gentleman, even on our side of the Chamber, would hesitate to admit, that we had good cause of war against Mexico. Sir, the President’s vindication of his conduct is, in my poor judgment, a total failure. The putting forth, in general terms, of these remote and distant causes of complaint, is a mere juggle to distract attention—to withdraw the public mind from the immediate and direct cause of the war. If the Senator from Michigan means that there is, or has been, some outrage in our past history which, resented at the time, might justly have led to war, I will not controvert his position. I have not had the means to examine these alleged outrages in detail. If they consist of insults to our flag, then satisfaction for a national, like a personal insult, should have been enforced, not after long years of quiet negotiation, but at once. If they consist of depredations on our commerce, (and such, I understand, they are,) it is enough to say, that Mexico has never denied or scoffed at your claims. She has already paid a part, and stipulated by treaty to liquidate and settle the balance. I need not remind this Senate, that it is not *her* fault that a commission is not now sitting for the purpose of finally settling the account—of clearing the docket. She has not paid you the full amount already stipulated I know; but her poverty, and not her will, kept her your debtor. The distractions of her political and financial condition deprived her of the

power. There was no *principle*, then, at stake between her and us—no question, as in our past wars, of taxation, of tribute, or of sailor's rights; the whole matter was the non-payment of so many dollars and so many cents. And when before has this country held this, practically, to be just cause of war? Our commerce, like that of other nations, has, at one time or another, been depredated upon by every maritime power of the old world—England, France, Spain, Holland, Denmark, and I know not how many more, have, for this cause, after long years of negotiation, answered to us in *damages*. With all the powers of Europe, we have been “patient in long suffering.” But now, for the first time, we parade these things before the world as good cause of war practically, against a weak and distracted Republic on our own continent! Our codes of municipal law have, to a great extent, cleared themselves of that barbarism which authorized the creditor to seize upon and imprison his debtor; and yet here, in this 19th century, with all the lights of civilization and christianity around us, we are told, that a nation may rightfully, for a like cause, make war. Sir, the principle is a barbarism, and behind the age.

Mr. President, this war had no such origin. Its causes were near, not remote. The annexation of Texas, and the subsequent order of the President, placing our armies on the Rio Grande, (pointing your guns to rake the streets of the city of Matamoras,) were the obvious and immediate causes of this war. *Without* such annexation and orders, it can scarcely be pretended, that the remote grievances complained of could have produced war; *with* such annexation and orders, it can scarcely be pretended, that the want of such grievances would have prevented it.

But, sir, suppose it be all true, how does it help the President in *his* vindication? Who gave *him* the right to involve his country in war for any cause? How does he possess himself of that power which the Constitution vests in Congress alone? Sir, the President has not gone far enough to make good a justification, admitting that all he says is true.

But we are told that there was just cause of war, and that it will be prosecuted to obtain peace and indemnity for expenses, and the *pecuniary demands* of our citizens against Mexico. Sir, will any gentleman on that or this side of the Chamber tell me the effect of this very war upon the pecuniary demands referred to? Does not the declaration of war, of itself, cancel all treaty stipulations, all binding obligations to pay this money? Where now is the argument of those gentlemen who so stoutly resisted the payment of the claims of our citizens for French spoiliations prior to 1800? The whole groundwork of that opposition was based on the *quasi* state of war between this country and France, after those claims accrued. Sir, miserable as was the condition of these claims on Mexico prior to this war, by reason of the poverty and distraction of that government, I hold them ten-fold worse now. If we cancel a treaty stipulation by war, it would be the duty of the Government to make good to the claimants their wrong. But where is the man connected with this Administration who thinks of assuming the payment of these debts, now or hereafter; unless, perchance, in the result of the war we may receive them. Then, perhaps, after years of delay—after the original claimants shall have died—after speculators shall have bought up the claims—after a long and weary haggling about the amount due, some kind of half-payment by the Government may be agreed upon. This, sir, if we

may judge the future from the past, is about the *best* we can anticipate for these claimants; this, for them, will be the result, at *best*, of the war.

But, Mr. President, my object was to speak, not so much of the origin, as of the *object* and *conduct* of this war.

The President, although not the war-making, is the war-conducting power of our Government. He asks aid for an *existing* war. He has the means to prosecute it now in one way, and declares that he will prosecute it. He seems not to think of settling this question in reference to the original controversy—the proper boundary of Texas. Sir, I believe the President has made this war; made it without right, and against right—still, he has made it; it is upon us, and, as it seems to me, we have no alternative but to aid in its prosecution, or suffer our arms to be disgraced in the face of the world. If our army were this side of the Rio Grande, with my present knowledge I would not vote the President one dollar, or one man; but we are in a position where a kind of necessity controls us—a fate hurries us on blindly, we know not where. To withdraw our troops now, would look like a retreat before a superior force, or a tacit acknowledgment, at least, that we could do nothing. To take up a line of extended positions within and across the Mexican territory, and hold them, would require a vast expenditure and force, to be continued for an indefinite time. Sir, I know not whether we will better ourselves by its direct prosecution; but that is the recommendation of the Executive—the constitutional commander-in-chief of our armies—who is responsible for the conduct of this war, and I will sustain him, at least with all adequate supplies.

But while I do this, I shall claim the right freely, but respectfully, to express my opinions. What, then, has the President *recommended*? What has he *done*?

The plan and conduct of the campaign consists of three, or perhaps four parts—

1st. That which is, or was, political.

2d.. That which is financial.

3d and 4th. That which is naval and military.

1. The *political* part of this campaign is among the things that are past. It consisted in that admirable specimen of diplomatic tact, by which the President thought to make a lodgment in the very heart of Mexico; by which he expected to secure that government in the hands of a friend, eminently desirous of peaceful relations with this country. The plan was perfected and carried out with a most consummate skill upon the part of the Executive. Santa Anna, that man of peace! occupies the very position designed for him by our most amiable and astute Administration!

2. The *financial* part of the plan is not yet completed, and it may justly be doubted whether it will be for some little time to come. It consists in nothing but the demand for general and specific appropriations. There is not a single serious effort made to meet the war expenditure. The present generation is to go quit, it is all left as a *tax* on *posterity*.

The special part of the financial plan is here. The President has asked for an appropriation of two millions last session, but three this, for some vague and undefined purpose; explained, if at all, by a reference to such appropriations, heretofore made, when we were about to negotiate with France for the purchase of Louisiana, and with Spain for the purchase of Florida. In the first place, both Louisiana and Florida

were absolutely essential to the interests of this country; the great West could reach the sea only through the Mississippi, and the South only by the Gulf. In the next place, our relations with those countries were of the most friendly character; we were in a condition for peaceful negotiation, a pure matter of bargain and sale. But here, sir, all peaceful intercourse has closed; we denied to Mexico an armistice of a few weeks only; and now, while all is in hostile array, the guns primed and pointed, the gunner blowing the match, we say stop—tarry a bit—take three millions instead! Sir, we are not in condition for a quiet chaffer, we cannot now with honor thus buy our peace. I will have nothing to do with buying up any man, or any set of men, in Mexico, either for peace or territory.

Besides this, sir, we have not this money to throw away; and I beg to know how long any man, or any set of men, could retain their power in Mexico after making peace on such terms with this country. I beg to know whether it is thought their successors, in the ups and downs of that distracted country, would acknowledge for a moment the obligations of any such treaty? Sir, this money, if granted, would, I fear, slip through the fingers of the President with about the same amount of profit to the country that Santa Anna slipped through his fleet. It would add just so much to the power of Mexico to protract the war.

3. The next part of this plan of campaign is the *naval*. Something has already been done in the Gulf by the navy proper, though its misfortunes have quite counterbalanced its advantages. It will do its duty, I doubt not, when the time comes. Our squadron on the Pacific has done something, has done much, to carry out the views of the Executive, but it connects itself rather with his plan of military than of naval operations.

There is one part of the President's plan recommended to Congress, connected with naval operations, which I read with not less surprise than regret. I mean that part of the message which recommends that we "should immediately provide by law for granting *letters of marque and reprisal* against vessels under the Mexican flag." This recommendation seems to have fallen dead on Congress. There was not enough of vitality in the thing for a single motion. The press of the country, so far as I have seen, seems to have regarded it with like indifference. And yet, *can it be*, that we have so far forgotten the effects and consequences of a *privateer system*, as to regard with indifference a recommendation to adopt it at this day, and under these circumstances? That we have adopted the system before under an exigency, that we have *power* to do so now, I do not deny. But, whatever may be the indifference of others, I mean to place my sense of this recommendation on record. I mean respectfully, but emphatically, to denounce it. A brief reference to the history of the system will best explain my views.

The modern privateer is the direct offspring of the corsair of the middle ages. Piracy in the earlier ages was a trade, and the robbing on the high seas of strangers, (persons having no tie of allegiance in common,) a legitimate act. No commissions were necessary to cruise against infidels. Out of admitted piracy grew the corsair system. Early writers on national law have chapters regulating the conduct of armed corsairs, thereby recognising them as having a kind of legal existence. Still they say nothing of commissions or prize condemnations. They were the pest of the seas, the

scourge of the commerce of the world. Letters of reprisal (by that name) were first issued in time of peace, and were limited to the restoration of the thing taken, or damages. Next came letters of "marque and reprisal," issued in time of war; and the character of these rovers differed little from their predecessors, the corsairs, save in this, that Elizabeth of England was so harassed by the complaints of neutrals, that she soon after, (in 1602,) required that each vessel should bear a license or commission, and give security for its good behavior on the seas. And with this, or soon after, it was required that there should be a judicial condemnation of prizes. This restraint was a long step in advance; but, notwithstanding this, these "letters of marque and reprisal" continued the scourge of the neutral commerce of the world. All the maritime nations of Europe were struggling for the mastery of the seas during the 17th century. Privateering was a cheap mode of carrying on their wars, and was particularly useful to the weak against the strong. The effects of the system were most deplorable; it not only drove fair commerce from the seas, but it debauched the morals of the entire marine of the world. The appetite for plunder continued after the wars, which gave rise to it, had ceased. Privateering was little else than piracy legalized, and piracy legalized ended in murder. Every peace in Europe but cast loose on the seas an addition to these monsters of the deep. Your own seas, during our early colonial history, swarmed with these buccaneers. The very story books of your children yet tell the tale of their atrocities. Commercial nations generally exacted *security* of the captain and owners for good behavior, but it amounted to nothing. It was intended principally, as I apprehend, to protect the government which granted the "letter of marque" from liability for damages to neutrals. There was no rule of commercial law which made this security essential to the validity of a letter of marque as against other nations. Different sums were exacted by different nations, and sometimes by the same nation: Holland exacted security in the sum of \$12,000; France \$14,095; England \$13,320; the United States, (by an act of 1798,) in \$14,000. The last three nations reduced the same one-half, if the vessel carried less than 150 men. Spain, by her prize ordinance of 1779 and 1796, in the sum of \$1,500 only. Sometimes the matter was the subject of treaty, and sometimes of statute regulation.

Efforts to restrain the system were likewise made by regulating the size of the vessels that might be licensed. Some efforts were made to abolish the system altogether. Franklin had stipulations to that effect incorporated into the treaty with Prussia, in 1785. Holland and Sweden made a like attempt. France once made a decree abolishing the system, but it was soon swept away. The spirit of commercial rivalry was almost fierce in its character, and would not then brook restraint. The system continued to exist, deplored and denounced as it was by the wise and good of all nations.

The same language has been held towards the system in the earlier and later days of its existence. Clarendon, in 1664, says of them, they are persons

"Which no articles or obligations can restrain from all the villany they can act, and are a people, how countenanced soever, or thought necessary, that do bring an unavoidable scandal, and it is to be feared, a curse upon the justest war that was ever made at sea."

Dr. Franklin deprecates and denounces the system in the strongest terms; characterizes it as "a remnant of the ancient piracy;" as "far from pro-

fitable to the nation that authorizes it ;” as “ *that most mischievous kind of gaming, mixed with blood.*”

Sir, what an occasion has been suffered to pass, unimproved, for the expression of just sentiments on this subject. Time had elapsed since the *principal* maritime nations of the world had used the system against us, or each other. The world was, I think, ready for a step in advance. Our position, our extended commerce, our general system of neutrality, the weakness, the nothingness of our adversary on the ocean, made it prudent that we now take the initiative in denouncing and discarding this system. Would to God it could have been so ! Would to God that we could have had that high honor ! Sir, it would have made some amends to humanity for the evils inflicted by this war. Treasures and blood may be wasted, but one great elevating truth added to the code of national law, would have made amends to posterity a thousand fold.

But, sir, what have we seen ? Instead of this, the President has, in the first place, taken a petty exception to the validity of the Mexican commissions, and then recommended that we retaliate in kind ; admitting, at the same time, the little probable use for them. The whole recommendation amounts to nothing more than a hurtful recognition of the system as one proper to be used by us on all and every occasion.

Sir, the whole argument in the message connected with this question, is, in my judgment (I speak it with respect) unworthy the Government. The President shows that he is startled and annoyed by this *rumored* issue of Mexican commissions, and instead of denouncing the system, while he prepared to meet it like a man, he says, “ if you strike, I’ll take the law of you !” We’ll submit it to “ our courts” whether such commissions shall protect you from the consequences of piracy. But, sir, if they are pirates, they are pirates not against *us* only, but against the world. They are to be tried, not in *our* courts only, but in the courts of the world. And did it ever enter the head of the President or his cabinet, that the courts of foreign nations would look back of a commission, regular upon its face, and inquire into the terms upon which the Government issuing the commission thought proper to grant it ? Sir, “ the usual preliminaries,” the absence of which is complained of in the message, consist principally, I presume, in the want of the *security* before referred to, and of the origin of which I gave some account with a view to this part of my argument. *That*, as before said, (though the bond may be prosecuted for the benefit of the party injured,) is primarily a question between the privateer and his Government ; no want of such preliminaries could invalidate the commission as against the world. The Barbary Powers, while forcing tribute from the commerce of all nations, and enslaving their prisoners, were not held piratical. Their rovers sailed under the authority of a known flag, and though wanting in all the preliminaries, and all the conduct of civilized nations, the government, and not the subject, was held to answer for their outrages.

But the President takes to himself and administers to us some little consolation. He says, he apprehends no serious danger from these privateers, because our blockading squadron will be on the alert to prevent any prizes being taken into Mexican ports, and he apprehends that no “ nation will violate its neutrality by suffering such prizes to be condemned and sold within its jurisdiction.” Sir, I have no wish to disturb the equanimity of the President ; with him ; I think, there is not much danger ; and yet to il-

illustrate the value of the argument only, I beg to ask whether an important phasis of this question has not been overlooked? What prevents a Mexican privateer (if there shall ever be one) sending a prize into a neutral port, and while it is lying there having it condemned in a prize court of Mexico? In the absence of treaty stipulations, this is no breach of neutrality, but is a well settled principle of admiralty law, recognised both in England and in this country. The principle and the cases will be found in 1st Kent's Commentaries, 104.

But this, sir, is a small matter; it is the system I complain of as recommended without a corresponding exigency. I know we have used it in times past; that great names have sanctioned the issue of commissions, while they deplored it; but are we to go on with a vicious principle forever? We have witnessed vast improvements both in our municipal and national codes. The rules of civilized warfare now protect private property on *land* from all depredation of even a regularly appointed army. The merchant's cargo ashore is safe; afloat, it is liable to seizure and confiscation. His store-house is unharmed, while his store-ship is taken or destroyed. He travels one kind of highway in safety, while he is plundered on another. The jealous rivalry of commerce, not content with producing this, actually increases the hazards of the sea vastly, by adding to the ordinary dangers of war the dangers of privateering. If any difference be allowed in the hazards of property on land and sea, it should be in favor of, and not against, the latter. Commerce is the medium of intercourse between nations—the humanizing agent of mankind, melting creeds and nations into one.

Yet, the *principle* of privateering would not be tolerated on land for a moment. A trained band, licensed to plunder private property for profit! it would shock the moral sense of mankind—"Militare non est delictum, sed propter prædum militare, peccatum est." Yet this principle is the soul of privateering. It is this that the President, at a time of no exigency, recommends that we adopt. Sir, I more than distrust the wisdom of his counsels. That emergencies may arise (unless some restraint be laid by treaty or otherwise) when the nation may be driven to it, I do not deny; but this was no such emergency, and the principle of the system I denounce as behind the age in which we live.

With an apology for consuming so much time on a recommendation on which it seems Congress has not attempted to act, I proceed to the last and more interesting branch of this discussion. This relates to that part of the campaign which is *military*.

4. I have no idea that Congress shall convert itself into an Aulic Council, and issue in detail its orders to the army. The President is the constitutional commander-in-chief, and the war-conducting power. He, the Executive, is responsible for the *plan* and *object* of the campaign. The Senator from Missouri, (Mr. BENTON,) in his *exposé* of the reasons which induced the President to recommend the creation of the office of Lieutenant-General, which *he was to fill*, tells us, that the President could not command in person, and that "he could not send orders from the closet in this city; that that was a folly of which there had been no example since the time when the Prince Eugene (of Savoy) was accustomed to return unopened, at the end of the campaigns, all the orders which the Aulic Council was accustomed to send him from Vienna." Sir, Chatham has lived since Eugene of Savoy commanded. He was not only a man, but he was *the man*, of the next gene-

ration. I need not remind the Senate that his closet-orders, clear and peremptory, ruled the armies of England in the heart of Europe, in the Canadas, in both the Indies; that, in a word, they compassed the earth in their extent, and ruled it by their power. But I admit, sir, that we have as little right to expect a Chatham in council as we had to anticipate an Eugene of Savoy in the field!

I do not ask that the President be held answerable for the drill or manœuvre of the army. But I do ask that he be held answerable, as commander-in-chief of our armies, for the general plan and object of the campaign; and for these, no man, I think, can deny his responsibility. These can be prepared as well here as elsewhere. The Senator from Missouri has given evidence of this. He has held up before the Senate those mystical sheets which contained what he tell us is yet in reserve for the world to see! He has shadowed forth the outline of his proposed plan of campaign. Bold and original, I doubt not. I think I have it now before my mind's eye: columns concentrated; all heavy or wagon transportation dispensed with; as a substitute, the back of the mule and the shoulders of the soldier; and thus, a push direct at the seat of Mexican power! I trust, sir, he has avoided the example of Cortes, who, on a like occasion, if I remember right, burned his ships behind him! Sir, the mist which the Senator has thrown over this plan of campaign serves a double purpose. It tends, in moral as in natural objects, to give an increased grandeur to the outline, while it serves the still more useful purpose of keeping out of view the defects and difficulties, perhaps impossibilities, which may attend its execution. But, whatever it be, it was prepared *here*, and surely the Executive has at least equal means, and greater, of here maturing its plans of campaign.

I would have preferred to avoid any remarks upon this plan of campaign, because it seems, in some shape, personal to the Senator from Missouri; but he appears, if not to have courted examination, at least to have thrown his plan in its way. After concluding his vague outline or plan of campaign, (which he says the President had accepted,) he adds, "it now devolves upon those who have frustrated the plan of the President, to present him a better." That may be difficult, as we did not know, and do not now know, and the Senator says shall not know, what the plan of campaign is. That *he* "does not belong to the school which makes publication of plans of campaigns—even rejected plans—in time of war." The Senator, in accounting for the selection of a person, other than the generals now in command of the army, to carry out his campaign, says, "it is a maxim of fundamental observance in war, that no general is to be required to execute a plan which he disapproves." Now, whatever diversity of opinions may have existed among the higher officers of our army, as he says there did, it is quite evident that this plan was submitted to no one of the generals in Mexico; that they never saw it or heard of it before it was announced that the rank of Lieutenant-General was to be created, and the person named who was to fill it. The Senator tells us that he was first called into consultation on this subject in the month of November last, and when Congress was soon to meet. I need not say that almost, if not quite, contemporaneous with this, the rumor, before referred to, was abroad; and no time could have elapsed sufficient to understand the views of our Generals in command in Mexico. Whether, therefore, Generals Scott or Taylor were willing to ex-

ecute this plan of campaign, the Executive could not have known, when he proposed to supersede them. Indeed, the following paragraphs admit, inferentially, that they, at least, knew nothing about it. The Senator says:

"This, [meaning the appointment,] for reasons too well known to require rehearsal in this Chamber, it was thought would be entirely agreeable to the generals of highest rank in our army in Mexico; it would secure their rear at home, and leave them free to contend with the enemy in front. It was not intended to diminish the fighting vocation of the two generals, but to reconcile and accomplish two desirable objects, namely, the execution of the President's plans, and the release of the major-generals from responsibility for plans and movements."

So, it seems, their assent was inferred. It is important, in appreciating the injustice of this effort on the part of the Executive towards these two gallant veterans, to keep this fact in view.

But again, it seems to me, with great respect to the Senator, he could scarcely have put the appointment upon grounds more offensive to these officers. "It would secure their *rear at home*"—"it was not intended to diminish the *fighting* vocation of the two generals," but to release them "from responsibility *for plans* and movements." He was not, then, sir, to be so much a Lieutenant-General as a *thinking* General; his object was, by his own account of the matter, not so much to lead as to *think* for them; not to supply valor, but brains, to the army!

Passing from the appointment to the plan of campaign recommended by the Senator, and assented to by the President, I cannot forbear some other remarks.

It consisted of two parts, civil and military; of the last only I shall speak. He says:

"It proposed to carry on the war, while there was war, according to the usage of all nations in the case of invasive war—the invaders to be paid and subsisted by the invaded. Contributions regularly levied—duties regularly collected—would accomplish these objects, and leave the United States free, or nearly free, from the expenses of the war."

The Senator here proposes, and the President assents to the proposition, that pay, subsistence, and contributions, shall be regularly levied on the inhabitants; he calls this, too, the *usage of all nations* in the case of an invasive war! Sir, are we in the middle of the 19th century, or are we a century back of it? *Contributions* exacted from the inhabitants, private property plundered, (for that is it in another form,) to subsist an armed force! How are you to lay these contributions? It must be from property, public or private. You may plunder the towns and churches, or you may exact contributions from private citizens. In either case you verify all they have said of you; you exasperate and rouse against you the entire nation. If this be the *usage of all nations* in the case of an invasive war, it is strange indeed that it should so long have escaped the attention of the President and his Cabinet, as well as the generals in command! If there be any *usage* of civilized nations settled, in cases of this kind, it is directly the reverse. "The usage of *all* nations in case of invasive war!" why, sir, we invaded Canada, and the first thing done there was, I believe, to proclaim, as the principle and rule of our conduct, safety to the persons and property of all non-combatants. Every thing taken for the use of our armies was *paid* for. Great Britain invaded us, both in the Revolution and during the last war. Did she, while overrunning our country, while occupying our towns and our cities, enforce pay and subsistence for her troops from the inhabitants? Sir, the principle belongs to an age of warfare that has passed. If my memory be right, it has been discarded generally from the warfare of

modern Europe. The campaigns of Napoleon were exceptions. So vast and universal was his system of plunder, that, on the return of the Bourbons, the government was never held liable to answer for them. It would have taken all France bodily to meet the demand. He plundered and subsisted his armies every where. He trod under foot the rights of neutral nations, and depredated upon belligerents in disregard of the sentiment of the civilized world. And yet, sir, with even this provocation, the allies disdained to retaliate on him, or on France.

The campaigns of the Peninsula afford some useful instruction as to the merit and effects of this system of enforced "contributions," now recommended, for the first time, to the adoption of our countrymen. Alison, as late as 1842, denounces them as a "*piratical system*." In describing their effects on the Peninsula, he says:

"The excessive rigour with which the generals' *contributions* were every where levied, and the crushing weight with which they fell upon the peasantry, filled the Guerilla ranks, as well from the bereavements which they occasioned as the destitution which they produced. They brought the bitterness of conquest home to every cottage in the kingdom; they drove the iron into the soul of the nation; revenge, that "wild species of justice," gained possession of every heart."

Wellington himself, in writing home, says of this system of the French armies, "*It is our best friend, and will in the end bring the contest to a conclusion.*" In despite of this system of exaction by the troops of revolutionary France in the countries of his allies, (Spain and Portugal,) he had no sooner driven them beyond the Pyrenees, and placed his armies within the territories of France, than he issued a public proclamation to his forces, requiring that every dollar's worth of subsistence obtained from the country should be paid for, and it was. 9 Al., 853.

Mr. President, so far from *pay*, *subsistence*, and *contribution*, being the usage of all nations, I hold it a mere modification of the ancient system of open plunder. That whatever may be the technical rights of a nation in time of war, the spirit of the age, and the general usage of Christian nations is, to hold all who are engaged in peaceful avocations safe in their persons and safe in their property, from all enforced exactions, as well as from open plunder. Had the President's views been carried out, we would have had, through a system of *privateering* on the seas, and *contributions* on the land, a campaign of plunder unworthy our country and our age.

Having thus considered that plan of campaign, so far as we have knowledge of it, which the President had intended to adopt, I shall now consider that which has in time past been adopted. My first remark is, that the President himself has, by his willingness to adopt another, in effect condemned his own prior plans of campaign.

Sir, it was late in the day to call the Senator from Missouri into consultation. Vast amounts of treasure and blood had been already expended on a plan inefficient, and necessarily resultless in its character. I think I now see shadowed forth the coming effort of this Administration to throw the responsibility of anticipated expenditure and misfortune off their plans, and upon Congress, and the generals in command. It will be nothing new. In those days of anticipated disaster which preceded the unlooked for victories of the 8th and 9th of May last, on the Rio Grande, I well remember that we heard, every where, from the satellites of power, of the discretionary orders of Gen. Taylor to call for troops, and conduct the campaign.

The same will be heard again. This Administration has had just ability

enough to get the country into war, but not ability enough to prosecute it with advantage, or get out of it with honor. It is evident, from the late letter of General Taylor, dated 9th November last, that the Administration were informed, long since, that the war could not be prosecuted beyond Saltillo without a vast addition of force and supplies. The Administration knew that its plan of campaign was exhausted, yet nothing was done. Sir, I mean to hold them to their just responsibilities. I mean to vote for the amendment substituting volunteers *for the war* instead of regulars, not because, as a general thing, I hold them the most useful kind of troops, but because, in this case, they can be sooner raised, and of better *materiel*. The very name of *volunteer* has a charm, which that of an enlisted soldier has not. The ranks of the regular army have unfortunately got to be considered the refuge of the idle, the vicious, and the insubordinate of our own citizens, and of foreign emigrants. How many of the sons of respectable farmers of good character ever enter the ranks of the regular army? There is a prejudice against “*listing*” like that which prevails against *binding* by indenture. Our youth are willing to serve, but not to be “bound out.” There is something in a name. Besides, sir, I confess a great distaste to increasing, by voting regulars, so vastly the military patronage of the President. It has, in my judgment, been greatly abused by a system of partisan appointments in times past. Still, sir, I mean, if the amendment fail, to vote for the bill. The Administration shall have the men and have the money. But we have a right to demand in return a plan of campaign which will produce *something*. What have we seen? The plan of campaign is accomplished. Our soldiers have crossed the far prairies; they have overrun New Mexico and California; they have occupied their towns and cities; they have gained, against odds unknown in modern warfare, two pitched battles; they have carried Monterey by storm, and yet *cui bono*? Sir, the days of Quixotism have passed. I do not depreciate the value of that reputation which comes of a “well foughten field;” but nations do not, in our day, fight simply for renown. What other profit have we of this campaign? Mexico has suffered less by her defeats than we by our victories. Our losses, to her’s, have been as five to one. Already by battle and climate we have lost from 1,500 to 2,000 men! Our army expenses have been millions per month; her’s, by one of her late official documents, are \$368,789 only. And where is it to end? Who can see that end in the dim future? We were lately told by the Chairman of the Committee on Foreign Relations that this Mexican war had just begun; if so, it is an abyss, a bottomless pit, destined to swallow up every thing that goes into it; and I *fear* that, among the rest of its victims, will be the present Administration.

The plans of the Executive are accomplished; it has now obtained a worthless foothold in a country, where its army is the best market for the inhabitants; where it buys, and must buy, all it gets, and pay for all it consumes. Of what avail, then, for *peace* is your hold upon these distant provinces? You are hacking at branches, the entire destruction of which would not shake the trunk. You are dealing with Mexico on the now universally condemned plan of our attack during the last war upon Canada—wasting your strength on points where success is useless, and defeat would be fatal.

Sir, the whole secret of this miserable plan of campaign is here. It was

not a campaign formed primarily to bring us peace. Peace, "an honorable peace" as they phrase it, was sought, not as an *end*, but as a *means* to an end. *Acquisition* was the end, peace but the means to attain it. I have regretted this manifestation on the part of the Executive; one wrong was scarcely accomplished, when another was begun. Through all the clouds and darkness which have covered this Administration, shutting out from its view the pathway of its future, one single star has glimmered in the distance; seen, watched by it, as the star of its hope and its destiny. Sir, this is a war, not for peace, but for California! Aye, California, and a strip of country connecting us, is its grand object and end. The conduct of the Administration and the documents prove this, in despite of all official disavowals. From the beginning, it has been pursued with a boldness, a shamelessness, without parallel. Heretofore, we have affected some hesitation, a little maiden coyness, about appropriating that which did not belong to us; even Texas was at first declined. Alas, sir, each sin but hardens the sinner.

The New York regiment, under command of Colonel Stephenson, and the terms of its enlistment, were a species of public proclamation of the design of the Executive; but the correspondence was far in advance of this *exposé* of Executive intention. It breathed and spoke but one tone and spirit: seize on California; hold on to it; if peace be made, the "*uti possidetis*" principle must find us in possession.

On the 3d of June, 1846, Secretary Marcy writes Commodore Sloat—

"It has been decided by the President to be of the greatest importance, in the pending war with Mexico, to take the earliest possession of Upper California."

Again, on the 8th of June, Secretary Bancroft writes to Commodore Sloat—

"If California separates herself from our enemy, the Central Mexican Government, and establishes a Government of its own, under the auspices of the American flag, you will take such measures as will best promote the attachment of the people of California to the United States; will advance their prosperity; and will make that vast region a *desirable place of residence for emigrants from our soil*."

A desirable place of residence for our citizens in a foreign country!

Again, on 12th July following, the Secretary writes—

"The object of the United States has reference to ultimate peace with Mexico; and, if at that peace the basis of the *uti possidetis* shall be established, the Government expects, through your forces, to be found in actual possession of Upper California."

In the same letter, after other instructions, it is added—

"But this is not to interfere with the *permanent occupation* of Upper California."

Again, on 13th August, he writes to the officer in command of the naval forces in the Pacific—

"To take, if not already done, immediate possession of Upper California, and especially of the three ports, &c., so that, if the treaty of peace shall be made on the basis of the *uti possidetis*, it may *leave California to the United States*."

On the 5th of November, Secretary Mason writes to Commodore Stockton:

"You will, therefore, *under no circumstances* voluntarily lower the flag of the United States, or relinquish the actual possession of California.

Of other points of Mexican territory, he could maintain possession or withdraw, as he judged fit.

I give a few extracts only, but the entire correspondence is in the same spirit. No man can read it without the clearest conviction that California

and its ports *at least* were to be obtained, through a peace, by virtue of the admission of the principle *uti possidetis*. A correspondence somewhat analogous, though not quite so decided, passed as to New Mexico.

Well, sir, these orders were given to military and naval officers; men not accustomed to split hairs on questions of law, but to obey orders. They did so; they seized the entire countries. On the 17th August, 1846, Commodore Stockton announces by proclamation, to the people of California, that "the territory of California *now* belongs to the United States, &c." On the 28th of the same month, he writes to Secretary Bancroft—

"This rich and beautiful country belongs to the United States, and is forever free from Mexican dominion."

He, then, as Commander-in-Chief and Governor, organized his Government and appointed its officers. This was pretty fairly and fully carrying out the spirit, if not the letter, of his instructions.

General Kearney made the same claims as to New Mexico, and went, it seems, still further. He had the fortune or misfortune to have, I suppose, some legal gentlemen among his volunteers. With the help of Colonel Doniphan and Private Willard P. Hall, of the 1st regiment of Missouri mounted volunteers, he made "an organic law of the territory of New Mexico;" *ordained and established*, he says, "by the Government of the United States of America;" and, in addition, he enacts a regular "*Statute Book*." He commenced his legislation (true to the glorious memories of the past) by the abolition of *stamped paper* in New Mexico! He proceeds afterwards, in alphabetical order, and goes regularly through the titles from "*Administrations*," down to "*witnesses*," not forgetting, by the way, a regular "*practice act*," and very full "*fee bill*!" The last, containing the amount of charge for every item of professional service, ranging from three cents up to \$20. This organic law and extensive system of legislation seem to have been rather too much for the modesty of Mr. Polk! In his answer to the call of the other House, he tells them, with an official *naivete* somewhat amusing—

"That if any excess of power had been exercised, the departure has been the offspring of a patriotic desire to give to the inhabitants the privileges, &c., so cherished by the people of our own country."

Mr. President, why was it that all this matter of the *civil* government of these countries was left to the large discretion of military officers? It was not forgotten, or overlooked; it was intentional. Instructions as to other contingent matters were full, but this important subject was left to these officers, they being first possessed of the general intent of the Government towards permanent acquisition. The Government was thus in condition to avow or disavow the act of the officer; it could avail itself of the advantage, while it disavowed the wrong. But, sir, aside from the documents, for what other object than permanent acquisition were our armies marched into those distant countries? They are no posts of command; you cut off no supplies; you stop no trade. For what, then, are you there? For nothing—nothing but acquisition, past and to come. It is for this your country is exhausting its treasures and spending its blood. Your campaign was never formed with peace for its primary object; your Executive seeks peace, but it is peace only upon the basis, *uti possidetis*. Had peace been the end, and not the means, your armies would have been stationed on the

boundary you meant to contend for, or your blow would have been direct at the heart of Mexico.

Mr. President, I affect no knowledge of military matters; but while I am willing, in connexion with others, to aid the Executive with the means, we have a right to demand plans of campaign which, when *accomplished*, will have *results*. Our soldiers have crossed the desert, have braved death by disease and battle, have won every field, stormed every height, and yet "*cui bono ? cui bono ?*" Sir, you want a lieutenant general in the Cabinet, and not in the field! You want plans of campaign which, when accomplished, will return you something more than barren honors and confined bones. If your plans be prudent, distrust not the men of Palo Alto, of Resaca de la Palma, of Monterey. Give them but the *means*. Say to them when, where! And whether it be the passes of the Sierra del Madre, "the lofty summit of the Cordilleras," or the plain of Mexico, they will attain for themselves a soldier's triumph or a soldier's bed, without the help of any *new* and *unknown* guide.

Mr. BENTON (next morning) said, that he desired to correct a misapprehension of the Senator from New Jersey, as to the military meaning of the word "*contribution*." That in no sense did it signify plunder, but payment, in money or subsistence, &c. That so far from originating with Napoleon, he read an extract from Vattel, showing it then and before to have been the practice of refined nations. He quoted, too, from Johnson's Dictionary, (edition of 1755,) and from Shakspeare, for the meaning of the word. He, likewise, justified the exaction of "*duties*," while in possession of an enemy's seaports; and he instanced the case of Great Britain having done so while in possession of Castine, a port in Maine, during the late war.

Mr. DAYTON: I said nothing about the right of a nation to avail itself of the temporary possession of the ports of an enemy's country, to levy and appropriate the "*duties*," or *customs*. Those *duties* are public property; they belong to the government against which you are at war, and I doubt not may rightfully be appropriated by you while in possession of your enemy's port. But can it be a question, whether the entire trade being shut out from the port of the enemy by a blockade, does not do more to coerce the country invaded, than the opening of that trade for the sake of appropriating the duties. In the one case you deprive Mexico of the benefit both of her trade and her *duties*, in the other of her *duties* only. Which is the more stringent plan of campaign? But, sir, although I did not object to your *right* to take the *public duties*, I did object to the system of "*contributions*," referred to by the Senator.

I objected to it as a system which belonged purely to an age gone by; as a modification of the ancient system of military plunder. The Senator has read his doctrines from Vattel, and kindly informs us that he died before Napoleon lived. Sir, we are thankful for the information! But the Senator misunderstood me, if he supposed me to say that "*contribution*" originated with Napoleon; on the contrary, his campaigns, I contended, were exceptions to the general system of modern warfare; that among Christian nations, in our day, it was usual to protect all persons who were engaged in peaceful life from every kind of injury and exaction. Great Britain collected the *public "duties"* in the port of Castine; but did she

exact "contributions" from its citizens for the pay and subsistence of her soldiers stationed there? Where is there such an instance in our day and country? Yet, if the principle of "contribution" be correct, there is not an important city (to say nothing of the country) on our seacoast, from Maine to Florida, which, during the Revolution, or the late war, would not have been subjected to its operation. All have been in possession of the enemy. The Senator cites Vattel for the principle, and Johnson's Dictionary for the meaning of the word; that, sir, is going nearly one hundred years back. He supports himself by a quotation from Shakspeare; that is going nearly two hundred years back! And had he but gone a century further, he would have found his doctrine in its pure and original state—military rapine and plunder. The question is not what was the usage one hundred or two hundred years ago, but *now*. It is easy to speak of "contributions," as payments in money or kind, collected under proper authority; but suppose the inhabitants do not choose to pay, what then? Sir, it ends in open plunder at the least. The demand for "contribution" was always made under that penalty; that, and that only, is the support of the system.